

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.,

Plaintiff,

v.

GOOGLE, INC. AND YAHOO!, INC.

Defendants.

Civil Case No. 2:07-CV-279 (CE)

JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND DEADLINE FOR REBUTTAL
EXPERT WITNESS DESIGNATIONS AND REPORTS**

Pursuant to the Docket Control Order (Dkt. No. 45), Rebuttal Expert Witness designations and reports are currently due November 6, 2009, thirty days after the Court's claim construction ruling. In light of the Court's October 23, 2009 Notice of Hearing, the parties jointly moved to extend the October 26, 2009 deadline for Expert Witness designations and reports to November 3, 2009. (See Dkt. No. 230.) The Court granted the parties' Joint Motion. (See Dkt. No. 231.) The parties' Joint Motion, however, did not account for the deadline for Rebuttal Expert Witness designations and reports. Accordingly, Plaintiff Function Media, L.L.C. and Defendant Google, Inc. jointly move for leave to extend the November 9, 2009 deadline to November 24, 2009.

The requested extension will not impact jury selection or the trial date set forth in the Court's October 23, 2009 Notice of Hearing.

A proposed order is submitted herewith.

Dated: November 5, 2009

Respectfully submitted,
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By: /s/ Billie D. Salinas

Charles K. Verhoeven (admitted *pro hac*)
Lead Attorney
charlesverhoeven@quinnemanuel.com
Amy H. Candido (admitted *pro hac*)
amycandido@quinnemanuel.com
Billie D. Salinas (admitted *pro hac*)
billiesalinas@quinnemanuel.com
Carl G. Anderson (admitted *pro hac*)
carlanderson@quinnemanuel.com
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Edward J. DeFranco (admitted *pro hac*)
eddefranco@quinnemanuel.com
James M. Glass (admitted *pro hac*)
jimglass@quinnemanuel.com
Patrick Curran (admitted *pro hac*)
patrickcurran@quinnemanuel.com
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Harry L. Gillam, Jr., Bar No. 07921800
gil@gillamsmithlaw.com
Melissa R. Smith, Bar No. 24001351
melissa@gillamsmithlaw.com
GILLAM & SMITH, L.L.P.
303 South Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Counsel for Defendant and Counter-Claimant
Google Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff, Joseph S. Grinstein, has been contacted regarding the relief requested in this Motion. Mr. Grinstein stated that Plaintiff was not opposed to the relief requested.

Dated: November 5, 2009

/s/
Billie D. Salinas

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 5, 2009 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/
Billie D. Salinas